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June 20, 2014

SENT BY FAX

Honorable Paul G. Gardephe
Thurgood Marshall
United States Courthouse
40 Foley Square
New York, NY 10007

Re: Re: Lockheed Martin Corporation, et al. v. MTA, et al.
Civil Action No.: 09 Civ. 04077 (PGG)

Dear Judge Gardephe:

We represent Plaintiff Lockheed Martin Corporation (“Lockheed Martin”), and respectfully submit this joint letter on its behalf and on behalf of Defendants MTA Capital Construction Company and Metropolitan Transportation Authority (collectively “MTA”).

Pursuant to the Court’s modified Scheduling Order, the parties will electronically file a joint pre-trial order on July 9, 2014. At that time, the parties intend to file over 2,500 exhibits included on both parties’ trial exhibit lists and a joint trial exhibit list. Many of the exhibits, due to file size or formatting, cannot be reasonably or properly scanned or printed, and therefore cannot be electronically filed in the required format. We are also concerned with the ability of our systems as well as the ECF system to process over 2,500 exhibits in one case filing.

Pursuant to the SDNY Electronic Case Filing Rules & Instructions Section 5, the parties request that due to the amount of trial exhibits and certain file sizes and formatting, the trial exhibits be filed by delivering to the Court and all counsel separate disc(s) and/or hard drive containing the exhibits, and indicating such non-electronic filing in the electronically filed pre-trial order. The parties will also provide paper copies pursuant to the Court’s Individual Rules. If paper copies cannot be provided for certain individual exhibits due to formatting, such as for Microsoft Excel files, the parties will indicate by slip sheets in the paper copies that such exhibits can be found electronically on the disc(s) and/or hard drive provided.

Duane Morris

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Thank you for your attention to this matter.

Respectfully submitted,



Michael Chartan (MC 4609)

MC/NW

cc: Via email

Ira J. Lipton, Esq. (Hoguet Newman Regal & Kenney, LLP, for MTA)
Adam Friedman, Esq. (Wolff & Samson P.C., for the Sureties)